

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:96-CR-42-1F

UNITED STATES OF AMERICA

v.

MICHAEL HILL,

Defendant.

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ORDER


This matter is before the court on the Defendant's Memorandum in Support of Amended Motion for Reduction of Sentence [DE-66] and the Defendant's objection to the United States Probation Office's Proposed Order regarding Motion For Sentence Reduction. The Probation Office recommends denying relief because Hill escaped from federal custody on December 25, 2005.¹ Hill was subsequently arrested and convicted of escape from custody. He was sentenced to an additional twelve months imprisonment, to be served consecutive to his current sentence. As a result of this post conviction criminal conduct, the probation office recommends denying relief. The parties apparently agree that he is otherwise eligible for the sentence reduction. The Federal Public Defender has filed a memorandum objecting to the probation officer's conclusion, arguing that Hill has already been sentenced for the escape conviction and that his conviction should not, in addition, be used to deny relief under the crack cocaine retroactivity guidelines amendments. The court is interested in the Government's position regarding the issues raised in the Defendant's memorandum. Therefore, the court DIRECTS the Government to file a response to the Defendant's Memorandum in Support of Amended Motion for Reduction of Sentence

¹ Hill has also committed a number of prison infractions while incarcerated, but the escape attempt is the primary reason the Probation Office recommends denying relief.

[DE-66] **by May 14, 2013.** After the court has time to consider the Government's response, the court will consider Defendant's request for a hearing.

SO ORDERED.

This the 18th day of March, 2013.



JAMES C. FOX
Senior United States District Judge